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| APPLICATION NO. FILING DATE | | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/628,307 07/29/2003 | | Jobst La Dous | 100341.52572US | 4469 |
| 23911 | 7590 10/27/2006 | | EXAM | NER |
| CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP | | מוז | FIGUEROA, JOHN J | |
| P.O. BOX | | | ART UNIT | PAPER NUMBER |
| WASHING | TON, DC 20044-4300 | -30- | 1712 | |
| | | . , | DATE MAILED: 10/27/2006 | 5 |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action | | | | | | |
|-----------------|-------------------------------|--|--|--|--|--|
| Before | the Filing of an Appeal Brief | | | | | |

| | Application No. | Applicant(s) | _ |
|------------|--------------------------------|----------------|---|
| 10/628,307 | | DOUS, JOBST LA | |
| | Examiner | Art Unit | |
| | John J [·] . Figueroa | 1712 | |

| Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 3. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: | | | John J. Figueroa | 1712 | |
|--|--|---|--|--|---|
| 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 7.114. The reply must be filed within one or the provider of the following time periods: a) ☑ The period for reply expires on: (1) the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 766 37(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). ONITICE OF APPEAL ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37(e), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.1.37(e). NOTICE OF APPEAL OF | The MAILING DATE of this | communication appe | ars on the cover sheet wi | th the correspondence ad | dress |
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| to event, however, will the statutory period for reply expire aon: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later has 15X MONTHS for the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE PROPERTY WAS FILED WITHIN TWO MONTHS OF THE | this application, applicant must tim places the application in condition a Request for Continued Examinat | ely file one of the follow for allowance; (2) a No | ving replies: (1) an amendn tice of Appeal (with appeal | nent, affidavit, or other evide fee) in compliance with 37 (| ence, which CFR 41.31; or (3) |
| Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on | b) The period for reply expires on: (1) no event, however, will the statuto Examiner Note: If box 1 is checked | the mailing date of this A ry period for reply expire la d, check either box (a) or (| dvisory Action, or (2) the date ater than SIX MONTHS from th b). ONLY CHECK BOX (b) WI | ne mailing date of the final rejec | ction. |
| 2. | Extensions of time may be obtained under 37 have been filed is the date for purposes of de under 37 CFR 1.17(a) is calculated from: (1) the set forth in (b) above, if checked. Any reply remay reduce any earned patent term adjustme | CFR 1.136(a). The date termining the period of extending the period of the seceived by the Office later | on which the petition under 37 ension and the corresponding hortened statutory period for r than three months after the m | amount of the fee. The approperly originally set in the final Of | oriate extension fee ffice action; or (2) as |
| 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) abjected to: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 3. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 10. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and wa | The Notice of Appeal was filed on filing the Notice of Appeal (37 CFR a Notice of Appeal has been filed, | 41.37(a)), or any exter | nsion thereof (37 CFR 41.3 | 7(e)), to avoid dismissal of t | ths of the date of the appeal. Since |
| The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): | 3. The proposed amendment(s) filed (a) They raise new issues that w (b) They raise the issue of new r (c) They are not deemed to place appeal; and/or (d) They present additional clain | rould require further cor natter (see NOTE below e the application in bet ns without canceling a c | nsideration and/or search (w); ter form for appeal by mate corresponding number of fil | see NOTE below); rially reducing or simplifying | |
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| because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) | how the new or amended claims w The status of the claim(s) is (or will Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. | ould be rejected is prov be) as follows: | rided below or appended. | | |
| entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). | because applicant failed to provide was not earlier presented. See 37 | a showing of good and CFR 1.116(e). | sufficient reasons why the | e affidavit or other evidence | is necessary and |
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| , , , , , , , , , , , , , , , , , , , | | | t does NOT place the appli | cation in condition for allowa | ance because: |
| | 12. ☐ Note the attached Information Dis 13. ☐ Other: | closure Statement(s). (| PTO/SB/08) Paper No(s). ₋ | | |
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Continuation of 3. NOTE: The amendment to claim 11 raises issues regarding an objection due to not being further limiting and indefiniteness under 35 U.S.C. 112, second paragraph. Claim 11 depends from claim 6, which in turn, depends from claim 4. Claim 11, as amended, is indefinite and not further limiting of its parent claims because it is drawn to a method of producing a resin body comprising, inter alia, initially producing a first polymer network by a polyaddition reaction, subsequently producing a second polymer network by thermal, radical or UV polymerization, and forming the body simultaneously with the steps of producing said first and second polymer networks. It is unclear and confusing as to how one skilled in the art can form the second polymer network subsequent to forming the first polymer network while, at the same time, simultaneously form the resin body AND said first and second polymer networks by a polyaddition reaction and by either a thermal, radical or UV-light polymerization, respectively.

RANDY GULAKOWSKI SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1700